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## Prevention of Sexual Harassment at Workplace

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### Uselocator India Private Limited

HOUSE NO. B-22 INDUS REGENCY GRAM NABI BAG,  
BHANPUR BHOPAL Bhopal MP 462038.

Tel: +91 22 07554012319. CIN: U72900MP2020PTC053300



आपका विकास हमारा विश्वास

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## Contents

1. Commitment:	4
2. Scope:	4
3. Definition:	4
4. Responsibilities Regarding Prevention of Sexual Harassment:	6
5. Awareness in the Organization about the Policy:	6
6. Complaint Mechanism:	7
7. Complaints Committee:	7
8. Lodging a Complaint:	8
9. Receiving a Complaint (guidelines):	8
10. Procedure for Resolution through Conciliation:	9
11. Resolution Through Formal Inquiry:	9
12. False or Malicious Allegations:	13
13. Confidentiality:	13
14. Appeal:	13
15. Compliance:	13
Annexure 1	13
Annexure 2	14
Inquiry Process	14



## 1. Commitment:

1.1 This Policy on Prevention of Sexual Harassment at Workplace (“**Policy**”) has been framed in accordance with the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules framed thereunder (hereinafter “**Act**”). Accordingly, while this Policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

1.2 Our Company is committed to providing work environment that ensures every Colleague (as defined under Clause 3(c) of this Policy below) is treated with dignity and respect and afforded equitable treatment. The Company is also committed to promote a work environment that is conducive to the professional growth of its Colleagues and encourages equality of opportunity. The Company will not tolerate any form of sexual harassment, if engaged in by Colleagues, clients or by suppliers or any other business associates and is committed to take all necessary steps to ensure that Colleagues are not subjected to any form of harassment.

## 2. Scope:

2.1 This policy is applicable to all Colleagues (full-time, part-time, trainees and those on contractual assignments) of Company including all subsidiaries and affiliated companies at their workplace or at client sites (hereinafter referred to as “Colleague(s)”).

2.2 With reference to Clause 2.1 above, workplace includes:

- i. All offices or other premises where Company’s business is conducted;
- ii. All Company-related activities performed at any other site away from Company’s premises, including any place where Colleague or Respondent visits in connection with his / her work, during the course of and /or arising out of employment / contract / engagement with Company, including transportation provided for undertaking such a journey; and
- iii. Any social, business or other functions or event related to work where the conduct or comments may have an adverse impact on the workplace or workplace relations.

## 3. Definition:

3.1 “**Aggrieved Woman**” in relation to a workplace, means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent;

3.2 “**Company**” shall mean Uselocator India Private Limited, a company incorporated under the Companies Act, 2013 and having its registered office at Office No. HOUSE NO. B-22 INDUS REGENCY GRAM NABI BAG, BHANPUR BHOPAL Bhopal MP 462038, and includes, for the sake of this Policy, all the offices of Company;



- i. **“Colleague”** means a person defined under Clause 2.1 and includes person employed at workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or by any other such name;
- ii. **“Employer”** means a person responsible for management, supervision and control of the workplace;
- iii. **“Respondent”** means a person against whom a complaint of sexual harassment has been made by Aggrieved Woman;
- iv. **“Sexual Harassment”** means and includes any one or more of the following unwelcome acts or behavior or conduct (whether directly or by implication), which is prohibited by Company:
  - a. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
    - i. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
    - ii. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment;
    - iii. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
    - iv. Such conduct amounts to humiliating treatment which is likely to affect her health or safety.
  - b. Sexual harassment may occur as a single incident or a series of incidents. Examples of the types of conduct expressly prohibited by this Policy include, but are not limited to, the following:
    - i. Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body;
    - ii. Sexually-suggestive touching;
    - iii. Grabbing, groping, kissing, fondling;
    - iv. Displaying offensive or pornographic images in any form, including but not limited to on a computer or other electronic device;
    - v. Violating someone's “personal space”;
    - vi. Cat calls or wolf whistles;
    - vii. Lewd, off-color, sexually oriented or offensive comments or jokes, innuendoes or statements;
    - viii. Foul or obscene language;
    - ix. Leering, staring, stalking;
    - x. Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons;
    - xi. Unwanted or offensive letters or poems;
    - xii. Sexual gestures;
    - xiii. Offensive E-mail or voice-mail messages;
    - xiv. Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess;



- xv. Questions about one's sex life or experiences;
- xvi. Repeated requests for dates;
- xvii. Sexual favors in return for employment rewards, or threats if sexual favors are not provided;
- xviii. Sexual assault or rape;
- xix. Any other conduct or behavior deemed to be a violation of this Policy by Company.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of Aggrieved Woman.

- v. **“Workplace”** means and includes the premises defined under Clause 2.2 above.

#### **4. Responsibilities Regarding Prevention of Sexual Harassment:**

4.1 All Colleagues of Company have a personal responsibility to respect the rights of others, never encourage harassment and ensure that their behavior is not contrary to this Policy. All Colleagues are encouraged to reinforce the maintenance of a work environment free from sexual harassment. This can be done by:

- i. Refusing to participate in any activity which constitutes harassment;
- ii. Supporting the person to reject unwelcome behavior;
- iii. Acting as a witness if the person being harassed decides to lodge a complaint; and
- iv. Responsibly advising others of behavior that is unwelcome.

4.2 Company understands that often some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, an opportunity to modify or stop their offensive behavior.

- i. Employer and all managers must ensure that nobody is subject to harassment and that equal treatment is met out to all Colleagues.
- ii. Employer and managers must also ensure that all Colleagues understand that harassment will not be tolerated; that complaints will be taken seriously and that the Complainant, Respondent or witnesses would not be victimized in any way.

#### **5. Awareness in the Organization about the Policy:**

5.1 In addition to ensuring that responsibilities outlined in Clause 4 above are understood by all Colleagues, all Colleagues of Company shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the People Management Department.

5.2 Immediately on the formulation of this Policy, a brief shall be given to all existing colleagues regarding the features of this Policy and to new Colleagues of Company as part of their induction process.



5.3 Company shall comply with all other details as set out under Section 19 of the Act to ensure that all Colleagues are provided with the safe working environment at the workplace.

5.4 Company shall display a notice showing the name of the Complaints Committee members at its every establishment at a conspicuous place where the establishment strength comprises of a combination of male and female colleagues.

## **6. Complaint Mechanism:**

6.1 An appropriate complaint mechanism in the form of an internal “Complaints Committee” has been created in Company for time-bound redressal of any complaint made by an Aggrieved Woman, at its every establishment, where the establishment strength comprises of a combination of male and female colleagues.

## **7. Complaints Committee:**

7.1 A Complaints Committee has been constituted by Company at each location for redressal of sexual harassment complaint made by the Aggrieved Woman and for ensuring time bound treatment of such complaints.

7.2 The Complaints Committee comprises of:

- i. A Presiding Officer who shall be a woman employed at a senior level at the workplace from amongst Colleagues;
- ii. Not less than two Members from amongst Colleagues preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- iii. One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

7.3 *Provided that* at least one-half of the total Members so nominated shall be women.

- i. The Presiding Officer and every Member of the Complaints Committee shall hold office for such period not exceeding three years, from the date of their nomination as may be specified by Employer or Company.
- ii. The details of the presently constituted and subsisting Complaints Committee is provided herewith under Annexure 1.

7.4 The Complaints Committee is responsible for:

- i. Receiving complaints of sexual harassment at the workplace
- ii. Initiating and conducting inquiry about every formal written complaint of sexual harassment as per the established procedure;
- iii. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment including submitting findings and recommendations of inquiries and coordinating with Employer in implementing appropriate action;
- iv. Submitting annual reports in prescribed format; and



- v. Discouraging and preventing employment-related sexual harassment.

## 8. Lodging a Complaint:

- i. Complainant needs to submit a detailed complaint, along with any available documentary evidence and / or names of witnesses in writing, in a sealed envelope, to any of the committee members at the workplace. Alternatively, Complainant can send the complaint through email <[helpdesk@uselocator.in](mailto:helpdesk@uselocator.in)>.
- ii. The complaint must be lodged within 3 months from the date of incident or in case of a series of incidents, from the date of the last incident. The Committee may extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.
- iii. *Provided that* where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Complaints Committee shall render all reasonable assistance to the woman for making the complaint in writing.
- iv. If the Aggrieved Woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent:
  - a. Legal heir, relative or friend;
  - b. Co-worker;
  - c. A qualified psychiatrist or psychologist or special educator or the guardian or authority under whose care they are receiving treatment or care; or
  - d. Any person having the knowledge of the incident (hereinafter referred to as “**Complainant**”).
- v. If the initial complaint is made to a person other than a Member of the Complaints Committee, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the Complaints Committee immediately.
- vi. To the extent reasonably possible, Company will take all endeavors to ensure that all complaints of harassment are dealt with in an expeditious and discreet manner and as close as close as possible to the point of origin.

## 9. Receiving a Complaint (guidelines):

9.1 Company understands that dealing with incident of harassment is unlike any other dispute. Complainants may be humiliated and distressed and it requires tact and discretion while receiving the complaint. Thus, the receiver of the complaint is required to take note of the following:

9.2 Complaint are to be listened to and the Complainant and / or Aggrieved Woman to be informed that Company takes the concerns raised seriously. Complainant and / or Aggrieved Woman Complainant to be informed that these concerns will be reported to the appropriate committee and follow up will be done speedily;

9.3 Situations are not to be pre-judged. Written notes are to be taken while listening to the person. Complainant is allowed to bring another person to the meeting if they so wish. Notes should be taken down with accuracy, including to the extent possible in the own words of Complainant.



9.4 Clear description of the incident in simple and direct terms is to be prepared and the details to be confirmed with Complainant;

- i. All notes are to be kept strictly confidential. Complainant's agreement should be taken to allow proceeding with the matter, which involves a formal inquiry'; and
- ii. Complainant should be advised that although the inquiry process is confidential;
- iii. Respondent needs to be informed within seven working days from the date of the receipt of complaint, and any witnesses and persons directly involved in the complaint process will also learn of Complainant's identity.

9.5 Due care is required to be taken to prevent any disadvantage to or victimization of either Complainant or Respondent.

## **10. Procedure for Resolution through Conciliation:**

10.1 Company is of the view that an attempt to compromise in matters of harassment and humiliation of women is a way in which the dignity of women is undermined. Company would therefore not take any proactive measures to encourage the option of resolution through conciliation.

10.2 Notwithstanding, Clause 10.1 above and in accordance with the provisions of the Act, upon receiving a complaint and before initiating an inquiry, Complaints Committee may, **only at the request of Aggrieved Woman**, take steps to settle the matter between the Aggrieved Woman and Respondent through a conciliation process.

10.3 It is made clear to all parties that conciliation in itself does not necessarily mean acceptance of complaint by Respondent. It is a practical mechanism prescribed by the Act through which issues may be resolved or misunderstandings cleared.

10.4 In case a settlement is arrived at, Complaints Committee is required to record the same in writing and report to Employer for taking appropriate action.

10.5 Any form of monetary settlement as the basis of conciliation is strictly prohibited.

10.6 Resolution through conciliation happens within two weeks of receipt of complaint.

10.7 Complaints Committee is to provide copies of the settlement to Complainant and Respondent. Once the action is implemented, no further inquiry would be conducted in the matter.

## **11. Resolution Through Formal Inquiry:**

11. 1 Complaints Committee will initiate inquiry in the following cases:

- i. No conciliation is requested by Aggrieved Woman; or
- ii. Conciliation has not resulted in any settlement; or
- iii. Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by Respondent.



11.2 The Committee proceeds to initiate an inquiry into the complaint within a period of one week of its receipt of the original complaint / closure of conciliation / repeat complaint.

11.3 Manner of Inquiry into Complaint:

- i. Upon receipt of the complaint, Complaints Committee sends one copy of the complaint to Respondent within seven working days.
- ii. Inform Respondent about the complaint filed against him/her and that no acts of retaliation or unethical actions will be tolerated.
- iii. Assure the Respondent that a fair and just investigation will be conducted on his/her behalf as well as that of the complainant.
- iv. Respondent is to reply with all supporting documents within 10 working days of receiving the copy of the complaint.
- v. No legal practitioner can represent any party at any stage of the inquiry procedure.
- vi. Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice.
- vii. In conducting the inquiry, a minimum of three committee members including the Presiding Officer are required to be present.

11.4 Interim Relief:

- i. During pendency of inquiry or at any time during or subsequent to the course of inquiry, pending the final outcome, on a written request made by Complainant, the Complaints Committee may recommend to Employer to:
  - a. Transfer Complainant or Respondent to any other workplace;
  - b. Grant Aggrieved Woman leave for up to a maximum of three months, in addition to leave she would otherwise be entitled to;
  - c. Prevent Respondent from assessing Complainant's work performance; and /or;
  - d. Grant such other relief as may be appropriate.
- ii. Once the recommendations of interim relief are implemented, Employer is required to inform and apprise Complaints Committee regarding the same.

11.5 Termination of Inquiry:

- i. Complaints Committee may terminate the inquiry or give *ex-parte'* decision, if Complainant or Respondent respectively is absent for three consecutive hearings, without reason.
- ii. 15 day written notice to be given to the party, before termination or *ex-parte'* order.

11.6 Inquiry Procedure:

- i. The inquiry procedure ensures absolute fairness to both parties and is premised on the following:
  - a. All proceedings of the inquiry by Complaints Committee are documented.



- b. Complaints Committee interviews Respondent separately and impartially.
- c. Complaints Committee states exactly what the allegation is and who has made the allegation.
- d. The Respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with Respondent and Complainant upon request.
- e. Any witnesses produced by Respondent are also interviewed and statements are taken on record.
- f. If Complainant or Respondent desires to cross examine any witnesses, Complaints Committee facilitates the same and records the statements.
- g. In case Complainant or Respondent seeks to ask questions to the other party, they may give them to Complaints Committee which asks them and records the statement of the other party.
- h. Any such inquiry is required to be completed, including the submission of the Inquiry Report, within 90 days from the date of commencement of inquiry.

#### 11.7 Considerations while preparing Inquiry Report:

While preparing the Inquiry Report with findings and recommendations, Complaints Committee is required to take the following into consideration:

- a. Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature.
- b. Whether the allegations or events follow logically and reasonably from the evidence presented before Complaints Committee.
- c. Credibility of Complainant, Respondent, witnesses and evidence.
- d. Other relevant facts, evidence, for e.g., if there have been any previous accounts of harassment pertaining to Respondent.
- e. Both parties have been given due opportunity of being heard.
- f. A copy of the record of proceedings be made available to both parties enabling them to make representation against the findings.
- g. A copy of the final findings to be shared with Complainant and Respondent to give them an opportunity to make a representation on the findings to Complaints Committee.



#### 11.8 Post-Inquiry Actions:

- a. Complaints Committee is required to submit to Employer (CEO and HR head) the Inquiry Report containing the findings and recommendations, within 10 days of completion of the inquiry.
- b. The findings and recommendations are to be reached from the facts established and are to be recorded accurately.
- c. Where Complaint Unsubstantiated:
  - i. Where Complaints Committee arrives at the conclusion that the allegations against Respondent are not proved, it recommends to Employer (CEO and HR Head) that no action is required to be taken in the matter.
  - ii. Further, Complaints Committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within Company.
- d. Where Complaint Substantiated:
  - i. Where Complaints Committee arrives at the conclusion that the allegation against Respondent has been proved, it shall recommend to Employer (CEO and HR Head) to take necessary action, which may include the following:
    1. Written apology;
    2. Warning;
    3. Reprimand or Censure;
    4. Withholding of Promotion;
    5. Withholding of pay rise or increments;
    6. Suspension;
    7. Terminating the respondent from service; or
    8. Undergoing a counselling session or carrying out community service.
    9. Employer (CEO and Chief People Officer (HR Head)) is required to act upon the recommendations within 60 days of receiving the Inquiry Report and confirm the same to Complaints Committee.
  - ii. Post implementation of the actions follow up with Complainant would be done to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up would be undertaken by the Complainant's Line Manager supported by HR.
- e. [**Note:** The visual depiction of the Inquiry Process is provided herewith under Annexure 2.]



## 12. False or Malicious Allegations:

12.1 Where Complaints Committee arrives at the conclusion that the allegation against Respondent is malicious or Aggrieved Woman or any other person making the complaint has made the complaint knowing it to be false or Aggrieved Woman or any other person making the complaint has produced any forged or misleading document, it may recommend to Employer to take an action against the said woman or the person making the complaint. The action recommended should be similar to the ones proposed for Respondent in case of substantiated complaints.

12.2 While deciding malicious intent, Complaints Committee should consider that mere inability to substantiate a complaint or provide adequate proof does mean the existence of malicious intent and will not attract action against Complainant under this provision.

12.3 Malicious intent must be clearly established through a separate inquiry.

## 13. Confidentiality:

13.1 The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

13.2 Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

## 14. Appeal:

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

## 15. Compliance:

Company shall in its board report provide for a statement that the Company has complied with provisions relating to the constitution of Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

## Annexure 1

### Complaints Committee for redressal of sexual harassment complaints

Bhobal	Presiding officer – Nandini Chourasiya (Senior Manager - PeopleManagement)	Member – Ravi Sharma	External Member – Rajeev Lodhi, Lawyer
	Member – Danish Sher Khan (Chief Technology Officer)	Member – Shabnam Shaik (H.R)	



# Annexure 2

## Inquiry Process

